

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

TWELFTH DAY — TUESDAY, FEBRUARY 1, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 37).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Anchia; Truitt.

Absent — Kolkhorst; McClendon.

The invocation was offered by Reverend Kenneth R. Pruitt, senior pastor, First Baptist Church, Fairfield, as follows:

Father God, I come to you in the name of Jesus, and I thank you for the opportunity to stand before this house of elected officials to seek your guidance, direction, and blessings for every home, family, and individual in the State of Texas. I thank you for every member of this house, and my prayer is that each member would feel your guidance and your providence upon their office, their lives, and their families.

We thank you for our great state and the many principles, values, and decisions that bring you honor from within this house of representatives. We ask for your pardon over those things in our land that do not honor you and pray that in all things the great State of Texas will constantly seek your face and know your

will. And, as this meeting convenes today, please guide the men and women of this honorable assembly, and may your presence indeed be our guide. As the word of God proclaims in Jeremiah 12, "You are always righteous as we bring our cases before you." Thank you, Father, for being our holy and righteous Heavenly Father upon whom we depend for wisdom, life, health, strength, courage, integrity, and peace. As the Scripture asks, "When have we seen the righteous forsaken or begging for bread?" So keep us, we pray, in harmony with your heart so that we may see your blessings fall upon every inch of this, our home, the State of Texas. And we pray this, not for ourselves, but for your glory.

May your blessings be upon this assembly at this time. This prayer we offer in the name of Christ Jesus, our Lord. Amen.

The speaker recognized Representative Nash who led the house in the pledges of allegiance to the United States and Texas flags.

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of inclement weather:

Anchia on motion of Strama.

The following members were granted leaves of absence for today because of illness:

Allen on motion of Strama.

Truitt on motion of Solomons.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Gooden who presented Dr. Paul Guttuso of Mabank as the "Doctor for the Day."

The house welcomed Dr. Guttuso and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Hamilton in the chair)

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(McClendon now present)

### **HR 204 - ADOPTED (by Aycock and C. Anderson)**

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 204**.

The motion prevailed.

The following resolution was laid before the house:

**HR 204**, Honoring the Texas A&M College of Veterinary Medicine and Biomedical Sciences, the Texas Veterinary Medical Association, and veterinarians throughout Texas on the occasion of World Veterinary Year.

**HR 204** was read and was adopted.

On motion of Representative C. Anderson, the names of all the members of the house were added to **HR 204** as signers thereof.

### INTRODUCTION OF GUESTS

The chair recognized Representative Aycock who introduced representatives of the Texas A&M College of Veterinary Medicine and Biomedical Sciences, the Texas and American Veterinary Medical Associations, and the World Veterinary Association.

### **HR 140 - ADOPTED** **(by Otto and Nash)**

Representative Otto moved to suspend all necessary rules to take up and consider at this time **HR 140**.

The motion prevailed.

The following resolution was laid before the house:

**HR 140**, Recognizing February 1, 2011, as CASA Day at the Capitol and commending Texas Court Appointed Special Advocates volunteers.

**HR 140** was read and was adopted.

On motion of Representative Nash, the names of all the members of the house were added to **HR 140** as signers thereof.

### **HCR 35 - ADOPTED** **(by Hilderbran, Frullo, Perry, Smithee, Keffer, et al.)**

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HCR 35**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 35**, Recognizing February 1, 2011, as Texas Tech University System Day.

**HCR 35** was read and was adopted.

On motion of Representative Keffer, the names of all the members of the house were added to **HCR 35** as signers thereof.

### INTRODUCTION OF GUESTS

The chair recognized Representative Hilderbran who introduced representatives of The Texas Tech University System.

**HR 150 - ADOPTED**  
**(by Lewis)**

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 150**.

The motion prevailed.

The following resolution was laid before the house:

**HR 150**, Recognizing February 1, 2011, as Andrews County Day at the State Capitol.

**HR 150** was read and was adopted.

**HR 183 - ADOPTED**  
**(by Crownover)**

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 183**.

The motion prevailed.

The following resolution was laid before the house:

**HR 183**, Welcoming members of the National Association of Insurance and Financial Advisors-Texas to the State Capitol on the occasion of the organization's 86th anniversary.

**HR 183** was adopted.

(Kolkhorst now present)

**HR 239 - ADOPTED**  
**(by Keffer)**

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HR 239**.

The motion prevailed.

The following resolution was laid before the house:

**HR 239**, In memory of former state representative Joseph Lynn Nabers.

**HR 239** was read and was unanimously adopted by a rising vote.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 239** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Keffer who introduced family members of the Honorable Joseph Lynn Nabers and former Texas House Speaker Ben Barnes.

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Aliseda on motion of Larson.

Harper-Brown on motion of Crownover.

**ADDRESS BY REPRESENTATIVE D. MILLER  
ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative D. Miller who addressed the house on a matter of personal privilege.

**HR 231 - ADOPTED**

**(by V. Gonzales, Peña, Muñoz, Martinez, and Guillen)**

Representative V. Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 231**.

The motion prevailed.

The following resolution was laid before the house:

**HR 231**, Recognizing February 1, 2011, as McAllen Day at the State Capitol.

**HR 231** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative V. Gonzales who introduced a delegation from McAllen.

**HR 241 - ADOPTED**

**(by Patrick, et al.)**

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 241**.

The motion prevailed.

The following resolution was laid before the house:

**HR 241**, Recognizing February 1, 2011, as Baylor Day at the State Capitol.

**HR 241** was read and was adopted.

On motion of Representative S. Davis, the names of all the members of the house were added to **HR 241** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative C. Anderson who introduced president of Baylor University Judge Ken Starr and representatives of Baylor University.

**ADJOURNMENT**

Representatives Hopson and Branch moved that the house adjourn until 10 a.m. tomorrow in memory of Hubert Kidd of Muleshoe and in honor of E. E. Myers on the 129th anniversary of the groundbreaking ceremony of the Texas State Capitol.

The motion prevailed.

The house accordingly, at 11:06 a.m., adjourned until 10 a.m. tomorrow.

Respectfully,  
Patsy Spaw  
Secretary of the Senate